THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.24453 of 2005

Dated 07-12-2005

Between:

Ch.A.N.Raju.

.. **PETITIONER**

AND

The Managing Director,

APSFC and another.

.. **RESPONDENTS**

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ORDER:

This is one of many writ petitions, filed by the petitioner. The petitioner obtained loan of Rs.87,500/- from the respondents in the year 1980 for the purpose of establishing a unit. The petitioner did not establish the unit on the ground that the corresponding capital, which was sanctioned from the Andhra Bank, was not extended to him. Thereupon, the respondents started demanding the petitioner to repay the amount. Several writ petitions came to be filed. Suffice it to refer to W.P.No.104 of 2004 which was filed against a demand notice dated 28-08-2003 for a sum of Rs.18,94,740/-. The writ petition was disposed of on 06-12-2004 leaving it open to the petitioner to make a representation to the respondents. In pursuance thereof, the petitioner made a representation on 27-12-2004. On consideration of the same, the respondents passed an order dated 09-02-2005 requiring the petitioner to deposit a sum of Rs.13,125/- representing 15% of the principal as a condition precedent for processing his application for one time settlement. The petitioner did not assail that order and it became final. The petitioner did not avail the benefit under the order dated 09-02-2005.

The respondents issued an advertisement in Local Daily on 27-10-2005 proposing to sell the properties which were offered as securities for repayment of the loan. This writ petition is filed challenging the same.

Heard the learned counsel for the petitioner as well as party-in-person.

The learned Standing Counsel for the respondent Corporation has also made extensive submissions on instructions.

This court cannot determine the liability of the petitioner under a contract, pure and simple. On a direction issued by this court, the respondents have already considered the case of the petitioner and passed an order dated 09-02-2005. The record does not disclose that the said order has been challenged. In fairness to the petitioner, the respondents have undertaken negotiations with him. In pursuance of the directions issued by this court on earlier occasion, the respondents have reconsidered the matter and have slashed down the loan of the petitioner from Rs.25,80,000/- to Rs.1,44,617/-. On verification, the petitioner vehemently contends that he is not liable to pay any amount. Under those circumstances, this court is not in a position to grant any relief to the petitioner or to undertake adjudication of the matter.

The writ petition is accordingly dismissed, leaving it open to the petitioner to work out his remedies in a civil suit. No order as to costs.

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07-12-2005

Prv